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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,275	10/24/2001	William D. Tierney	M1103.70260US00	3532
45840 7590 08/02/2007 WOLF GREENFIELD (Microsoft Corporation) C/O WOLF, GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			EXAMINER TANG, KAREN C	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 08/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/036,275	Applicant(s) TIERNEY ET AL.	
	Examiner Karen C. Tang	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 and 41-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 and 41-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/07 has been entered.
- Claims 1-39, and 41-46 are presented for further examination. The previous office action filed on 07/06/07 are vacated.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 11, 13-18, 24, 26-31, 37, 39 and 41-45 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Nowhere within the specification indicate “the computer program product”. Therefore, it is lacking the antecedent basis.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 27-39 are reject because: a computer program having code recorded on a computer readable medium such as carrier wave or optical wave is not tangible since such computer transport medium does not fall into the categories of “process”, “machine”, “manufacture” and “composition of matter”. Furthermore, the computer program stored on carrier wave is not operable if not executed by a computer or system. Therefore, the inoperative of the computer program stored on a computer transport medium lacks utility.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 11, 13-18, 24, 26-31, 37, 39 and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrick et al hereinafter Henrick (US 2003/0041108) in view of Li et al hereinafter Li (US 6,813,733).

1. Referring to Claims 1, 14, 27, and 41, Henrick disclosed

(a) using client software operating in a first device and a second device to connect a first user of the first device to a second user of the second device, in a peer-to-peer collaboration session including the first user and second user without an intervening server (refer to 0014), the first user having a first identity in a shared space and the second user having a second identity in the shared space.

(b) sending a request from the management server to the first user to become a managed entity (web page deliver to the device, refer to 0029);

(c) downloading from the management server to the client software a definition file (refer to 0030) containing a definition of the managed entity, and

(d) associating information in the definition file with the first user identity or device information in the client software operating in the first device in order to create the managed entity (0030).

(e) interacting, between the management server and the client software to exchange management information separately from the collaborative information exchanged between the first user and the second user (refer to 0030 and 0031).

Although Henrick disclosed the invention substantially as claimed, Henrick is silence regarding associated with the operation of the managed entity in the peer-to-peer collaboration session, Li, in an analogous art disclosed associated with the operation of the managed entity in the peer-to-peer collaboration session (refer to Col 14, Lines 25-61).

Hence, providing associated with the operation of the managed entity in the peer-to-peer collaboration session disclosed by Li, would be desired for user to implement in order to correct client system's error and find out the most effective way to solve the problems.

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Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Henrickby including the features which including associated with the operation of the managed entity in the peer-to-peer collaboration session.

2 Referring to Claims 2, 15, 28, and 42, Henrick disclosed wherein the managed entity is a managed user (peer to peer, managed by the server, refer to 0014) and the definition information file is an injectible identity file (contains identity, refer to 0030 and 0031) and the act (d) of associating comprises incorporating information from the injectible identity file into a user account file (it is obvious that after user has enter their information refer to 0029, the definition information file that the user gathered from server will be associated with the user account information).

3. Referring to Claims 3, 16, 29, and 43, Henrick disclosed wherein the managed entity is a managed device (peer to peer, managed by the server, refer to 0014) and the definition file is a device information file (refer to 0030 and 0031).

4. Referring to Claims 4, 17, 30 and 44, Henrick disclosed wherein act (d) if associating comprises incorporating information from the device file into a Windows REG file (it is inherent that Windows Operating System provides the Windows Reg Files, 0097, 0081, also, it is obvious that after user has enter their information refer to 0029, the definition information file that the user gathered from server will be associated with the user account information)

5. Referring to Claims 5, 18, 31 and 45, Henrick discloses (i) sending at least one license file from the management server to the managed user (refer to 0105); and (ii) in response to information in the license file, enabling at least one function in the client software (refer to 0105).

6. Referring to Claims 11, 24, and 37 Henrick disclosed wherein the management information comprises event notifications and statistical information and interacting to exchange management information comprises: (i) periodically receiving event notifications and statistical information from the client software of the managed user to the management server (refer to 0031, 0039-0040 and 0052-0059).

7. Referring to Claims 13, 26 and 39, Henrick disclosed wherein event notifications and statistical information are temporarily stored in a memory located at a client site.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 6, 12, 19, 25, 32, 38 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrick et al hereinafter Henrick (US 20030041108) in view Li et al hereinafter Li (US 6,813,733) in further view of Russel et al hereinafter Russel (US 2002/0069420)

6. Referring to Claims 6, 19, 32 and 46: although Henrick and Li disclosed the invention substantially as claimed, Henrick is silent regarding i) sending at least one policy restriction file from the management server to the managed user; and
ii) in response to information in the policy restriction file, restricting at least one function in the client software.

Russell, in an analogous art disclosed a system that deliver content over a network in the peer-to-peer situation where suggest regarding i) sending at least one policy restriction file from the management server to the managed user (refer to 0026, 0037); and
ii) in response to information in the policy restriction file, restricting at least one function in the client software (refer to 0105).

Hence, providing the methods as disclosed by Russell, would be desired for server providing the restriction file so that the users are forced to follow the policy.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Henrick by including the features which allows the user to be restricted while accessing the system in order to provide privacy and forced the users to follow the policy.

12. Referring to Claims 12, 25 and 38, although Henrick and Li are silence regarding wherein the event notifications include error notification.

Russell, in an analogous art disclosed wherein the event notification wherein the event notifications include error notification (refer to 0107);

Hence, providing the methods as disclosed by Russell, would be desired to provide a error notification that include error notification since in the case when the license expired would require user to update the newest license.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Henrick by including the features which provide the error notification in the system in the case when the file is expired.

Claims 7-10, 20-23, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrick et al hereinafter Henrick (US 20030041108) in view Li et al hereinafter Li (US 6,813,733) and in further view of Russel et al hereinafter Russel (US 2002/0069420) and England et al hereinafter England.

7. Referring to Claims 7, 20 and 33: Henrick, Li and Russel disclosed

i) creating a client list of licensed components and policy restriction in the client software of the managed user;

although Henrick, Russel disclosed the invention substantially as claimed, they are silent in disclosed ii) sending the client list to the management server;

iii) creating a server list of licensed components and policy restriction in the management server;

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iv) comparing the client list to the server list; and

v) adjusting and synchronizing the components in the client software based on the comparison on the step iv).

England, in an analogous art disclosed iii) creating a server list of licensed components and policy restriction in the management server (refer to 0125, 0128, and 0132);

iv) comparing the client list to the server list (refer to 0132); and

v) adjusting and synchronizing the components in the client software based on the comparison on the step iv) (refer to 0132).

Hence, providing the methods as disclosed by England, would be desired to provide method to monitor proper license in the client list to ensure only the valid/paid license is in the client system.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Henrick by including the features which provide the revoking the license.

8. Referring to Claims 8, 21, and 34 Henrick discloses (v) comprises downloading and installing licensed components from the management server to the client software which components are on the server list and are not on the client list (refer to 0030).

9. Referring to Claims 9, 22 and 35, although Henrick, Li and Russel disclosed the invention substantially as claimed, they are silent in disclosed wherein step v) further comprises revoking

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licenses in the client software of components that are on the client list and are not on the server list.

England, in an analogous art disclosed wherein step v) further comprises revoking licenses in the client software of components that are on the client list and are not on the server list (refer to 0132).

Hence, providing the methods as disclosed by England, would be desired to provide method to delete/revoke the license in the client list to ensure only the valid/paid license is in the client system.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Henrick by including the features which provide the revoking the license.

10. Referring to Claim 10, 23 and 36, although Henrick and Li disclosed the invention substantially as claimed, Henrick is silence regarding wherein steps (i) to v) are repeated periodically.

Russell in an analogous art disclosed wherein the step steps (i) to v) are repeated periodically (refer to 0037).

Hence, providing the methods as disclosed by Russell, would be desired to provided to the system due to the fact that it would be practical to check on the license on the users so managed the users only able to use the product/functionality for the duration period of time that they paid for and also that the user would not need to download the functionality again.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Henrick by including the features indicated in Russell to ensure the appropriateness of the license.

Conclusion

Examiner's Notes: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.


A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Tang


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